

§ 165.122

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ammonia, or any other cargo deemed to be high interest by the Captain of the Port, Providence.

(c) *Regulations.* (1) Entry into or movement within these zones, including below the surface of the water, during times in which high interest vessels are present and the zones are enforced is prohibited unless authorized by the COTP Providence or authorized representative.

(2) The general regulations covering safety and security zones in §§165.23 and 165.33, respectively, of this part apply.

(3) All persons and vessels shall comply with the instructions of the COTP, and the designated on-scene U.S. Coast Guard personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

[CGD01–02–065, 67 FR 56224, Sept. 3, 2002]

§ 165.122 Regulated Navigation Area: Navigable waters within Narragansett Bay and the Providence River, Rhode Island.

(a) *Description of the regulated navigation area (RNA).* The Regulated Navigation Area (RNA) encompasses all of the navigable waters of Narragansett Bay north of the COLREGS demarcation line and west of the Mt. Hope Bridge, and all of the navigable waters of the Providence River from Conimicut Point to the Providence hurricane barrier.

(b) *Regulations.* (1) All commercial vessels must:

(i) Maintain a minimum 10% of the vessel's draft as an under-keel clearance when not assisted by tugs, or when not moored at an assigned berth. Under-keel clearance is the minimum clearance available between the deepest point on the vessel and the bottom of the waterway, in calm water.

(ii) Have at least one mile of visibility to transit the Providence River between 41°43'01.4" N; 071°20'41.7" W (Conimicut Light (LLNR 18305)) and 41°47'38.8" N; 071°22'46.7" W (Channel Light 42 (LLNR 18580)).

(2) Vessels over 65 feet in length inbound for berths in the Providence River are required to make Safety Sig-

nal (SECURITE) calls on both VHF channels 13 and 16 at the following geographic locations:

- (i) Pilot Boarding Area;
- (ii) Abeam of Castle Hill;
- (iii) Abeam of Sandy Point;
- (iv) Abeam of 41°43'01.4" N; 071°20'41.7" W (Conimicut Point Light (LLNR 18305));
- (v) Abeam of Sabin Point; and
- (vi) Upon mooring.

(3) Vessels over 65 feet in length inbound for berths in Mount Hope Bay or in the Taunton River are required to make SECURITE calls on both VHF channels 13 and 16 at the following geographic locations:

- (i) Pilot Boarding Area;
- (ii) Abeam of Castle Hill;
- (iii) Abeam of Sandy Point; and
- (iv) At position 41°39'32.4" N; 071°14'02.6" W (Mount Hope Bay Junction Lighted Gong Buoy "MH" (LLNR 18790)).

(4) Vessels over 65 feet in length outbound for sea down the Providence River Channel shall make SECURITE calls on VHF channels 13 and 16 at the following geographic locations:

- (i) One-half hour prior to departure from the berth;
- (ii) At departure from the berth;
- (iii) Abeam of Sabin Point;
- (iv) Abeam of Gaspee Point; and
- (v) Abeam of position 41°43'01.4" N; 071°20'41.7" W (Conimicut Light (LLNR 18305)).

(5) Vessels over 65 feet in length outbound for sea down from Mount Hope Bay through Narragansett Bay are required to make SECURITE calls on VHF channels 13 and 16 at the following geographic locations:

- (i) One-half hour prior to departure from the berth;
- (ii) At departure from the berth; and
- (iii) At position 41°39'32.4" N; 071°14'02.6" W (Mount Hope Bay Junction Lighted Gong Buoy "MH" (LLNR 18790)).

(6) Vessels 65 feet and under in length, and all recreational vessels, when meeting deep draft commercial vessel traffic in all locations within this RNA shall keep out of the way of the oncoming deep draft commercial

vessel. Nothing in this regulation, however, relieves a vessel of any duty prescribed in the Inland Navigation Rules (set forth in 33 U.S.C. 2005 *et seq.*)

(7) The Captain of the Port (COTP) Southeastern New England may authorize a deviation from these regulations. Parties wishing to request a deviation must do so in advance by contacting the COTP Southeastern New England, at 508-457-3211, or via VHF Channel 13 (156.7 MHz), or VHF channel 16 (156.8 MHz). Any person or vessel receiving permission from the COTP to deviate from these regulations must comply with any specific instructions provided by the COTP.

(c) *Enforcement.* Violations of this RNA should be reported to the COTP Southeastern New England at 508-457-3211. Persons found in violation of these regulations may be subject to civil or criminal penalties as provided for in 33 U.S.C. 1232.

[USCG-2009-0143, 75 FR 15347, Mar. 29, 2010]

§ 165.125 Regulated Navigation Area; EPA Superfund Site, New Bedford Harbor, Massachusetts.

(a) *Location.* The regulated navigation area encompasses all waters bounded by a line beginning at 41°37'22.5" N, 070°54'34.1" W; thence to 41°37'14.4" N, 070°54'19.6" W; thence to 41°36'58.5" N, 070°54'08.1" W; thence to 41°36'45.0" N, 070°54'26.9" W; thence along the shoreline and south side of the hurricane barrier to the beginning point.

(b) *Regulations.* (1) All vessels and persons are prohibited from activities that would disturb the seabed within the regulated navigation area, including but not limited to anchoring, dragging, trawling, and spudding. Vessels may otherwise transit or navigate within this area without reservation.

(2) The prohibition described in paragraph (b)(1) of this section shall not apply to vessels or persons engaged in activities associated with remediation efforts in the New Bedford Harbor Superfund Site, provided that the Coast Guard Captain of the Port (COTP) Southeastern New England, is given advance notice of those activities by the U.S. Environmental Protection Agency (EPA).

(c) *Waivers.* The Captain of the Port (COTP) Southeastern New England

may, in consultation with the U.S. EPA, authorize a waiver from this section if he or she determines that the proposed activity can be performed without undue risk to environmental remediation efforts. Requests for waivers should be submitted in writing to Commander, U.S. Coast Guard Sector Southeastern New England, 1 Little Harbor Road, Woods Hole, MA, 02543, with a copy to the U.S. Environmental Protection Agency, Region 1, New Bedford Harbor Remedial Project Manager, 5 Post Office Square, Suite 100 (OSRR07), Boston, MA 02109, to facilitate review by the EPA and U.S. Coast Guard.

[USCG-2010-1119, 76 FR 35744, June 20, 2011]

EFFECTIVE DATE NOTE: By USCG-2010-1119, 76 FR 35744, June 20, 2011, § 165.125 was added, effective July 20, 2011.

§ 165.130 Sandy Hook Bay, New Jersey—security zone.

(a) *Naval Ammunition Depot Piers.* The navigable waters within the following boundaries are a security zone: A line beginning on the shore at 40°25'55.6" N, 074°04'31.4" W; thence to 40°26'54.0" N, 074°03'53.0" W; thence to 40°26'58.0" N, 074°04'03.0" W; thence to 40°27'56.0" N, 074°03'24.0" W; thence to 40°27'28.5" N, 074°02'10.4" W; thence to 40°26'29.5" N, 074°02'51.2" W; thence to 40°26'31.4" N, 074°02'55.4" W; thence to 40°25'27.1" N, 074°03'39.7" W; thence northwest along the shoreline to the beginning point.

(b) *Terminal Channel.* The waters within the following boundaries are a security zone—A line beginning at 40°27'41.2" N, 74°02'46" W; then to 40°28'27" N, 74°02'17.2" W; then to 40°28'21.1" N, 74°02'00" W; then to 40°28'07.8" N, 74°02'22" W; then to 40°27'39.8" N, 74°02'41.4" W; then to the beginning.

(c) The following rules apply to the security zone established in paragraph (b) of this section (Terminal Channel) instead of the rule in § 165.33(a):

(1) No vessel shall anchor, stop, remain or drift without power at any time in the security zone.

(2) No vessel shall enter, cross, or otherwise navigate in the security zone when a public vessel, or any other vessel, that cannot safely navigate outside the Terminal Channel, is approaching or leaving the Naval Ammunition Depot Piers at Leonardo, New Jersey.